

FILED IN OPEN COURT *al*
ON 12/4/2012
Julie A. Richards, Clerk
US District Court
Eastern District of NC

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CR-107-BO

UNITED STATES OF AMERICA

v.

DANIEL FISHER

ORDER OF CONDITIONAL RELEASE

By Order dated February 8, 2010, Defendant, Daniel Fisher, was committed to the custody of the Attorney General pursuant to Title 18 United States Code, Section 4243, until his conditional release under a prescribed regimen of care and treatment would not create a substantial risk of bodily injury to another person or serious damage to the property of another. The Warden at the Federal Medical Center Devens, in Ayers, Massachusetts ("FMC Devens") has now certified to the Court pursuant to 18 U.S.C. § 4243(f), that Defendant has recovered from his mental disease or defect to the extent that his release under a prescribed regimen of medical, psychiatric, or psychological treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another. Therefore, it is hereby ORDERED, pursuant to the provisions of 18 U.S.C. §4243(f)(2), that Defendant be conditionally released under the following specific conditions or regimen of care:

1. Defendant shall be and remain under the supervision of the United States Probation Officer (USPO) for the Eastern District of North Carolina, and shall comply with all of the standard conditions of supervision, and the specific conditions set forth herein.
2. Defendant shall reside at The Emmanuel Home IV, located at 303 Aqua Marine Lane,

Knightdale, NC 27545, main telephone number 919-231-2981. Any changes in residence must be approved through his United States Probation Officer, and Defendant must notify his probation officer ten days prior to any planned change in residence or employment.

3. Defendant shall not leave the Eastern District of North Carolina without permission of the court or probation officer. Defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer, and shall answer truthfully all inquiries by the probation officer and follow the probation officer's instructions.
4. Defendant shall actively participate in and cooperate with a regimen of substance abuse treatment, mental health care and psychiatric aftercare at North Carolina Recovery or any other agency the U.S. Probation Officer deems appropriate. This is to include his voluntary admission to an inpatient facility for stabilization should it be deemed necessary. Defendant will follow all the rules, regulations and instructions of the treatment staff and comply with the recommended regimen. Defendant shall continue to take medications as they are prescribed to him by the medical provider.
5. Defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered. Defendant shall abstain from the unlawful possession and/or use of a narcotic drug or other controlled substance as defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner. Defendant shall participate as directed in a program approved by the probation officer for the treatment of narcotic addiction, drug dependency, or alcohol dependency with will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
6. Defendant shall abstain from the use of any alcoholic beverages, shall not associate with

individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or by prescription from a licensed physician.

7. Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer. Defendant shall permit a probation officer to visit him at anytime at home or elsewhere, and shall permit confiscation of any contraband observed in plain view of the probation officer. Defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer. Defendant shall not enter any agreement to act as an informer or a special agent of a law enforcement agency without the court's permission.
8. Defendant shall support his dependents and meet other family responsibilities. Defendant shall provide the probation officer with access to any requested financial information, and shall not incur new credit charges or open additional lines of credit without the approval of the probation officer. As directed by the probation officer, Defendant shall notify third parties of risks that may be occasioned by his criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm his compliance with such notification requirement.
9. Defendant shall not possess actual or imitation firearms, destructive devices or other deadly weapons, or weapon paraphernalia, and shall live in a residence free from the same.

Defendant's failure to adhere to any of the conditions of release may result in his return to

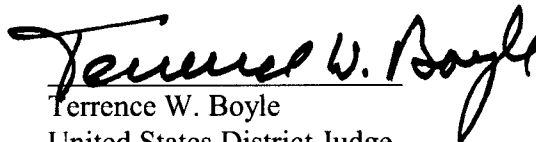
custody to be brought before this Court for review of his suitability for conditional release.

The U.S. Probation Officer may at any time recommend modification or elimination of the regimen of medical, psychiatric or psychological care or treatment, upon certification to this Court that to do so would not create a substantial risk of bodily injury to another person or serious damage to property of another. If a request to modify or terminate the conditions of release is made, the party so requesting shall submit a motion to this Court, with adequate documentation supporting the request, and provide copies to the U.S. Probation Officer, the Office of the United States Attorney, Defendant's counsel, and the Warden of FMC Devens.

The U.S. Probation Officer shall file annual reports with the Court, and provide copies to the United States Attorney, Defendant's counsel, and the Warden of FMC Devens.

Upon receipt and verification of this Order of Conditional Release and prior to the actual date and time of release, the Bureau of Prisons shall notify the appropriate persons to schedule an arrival date, finalize the release paperwork, make transportation arrangements, and contact the assigned U.S. Probation Officer. The U.S. Probation Officer shall notify the Court of the actual release date from FMC Devens. The Bureau of Prisons shall release Defendant after all release arrangements are satisfactory and complete.

This the 30 day of November 2012.


Terrence W. Boyle
United States District Judge